



Sullivan & Worcester LLP
1633 Broadway
New York, NY 10019

T 212 660 3000
F 212 660 3001
www.sandw.com

September 14, 2018

VIA ECF

Honorable Naomi Reice Buchwald
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Gordon v. Dingman, 15 Civ. 9935 (NRB) (NS)

Dear Judge Buchwald:

We are plaintiffs' counsel in the above-referenced case. In compliance with Rule 2.B. of the Court's Individual Practices, we respectfully submit this pre-motion letter to seek leave to move for entry of default judgments against the three remaining defendants in this case -- James T. Dingman ("Dingman") and his companies, Out West Hospitality Ltd. ("OWH") and The Traveller's Beach Restaurant Ltd. ("Traveller's"). If the Court requires a pre-motion conference, we are available.

By order dated July 16, 2018, the Court relieved counsel of record for all defendants and ordered that "any corporate entities named as defendants in the complaint shall retain new counsel within 30 days of this order and that failure to do so will result in the entry of a default judgment against them." (ECF No. 94.) That same day, the Court issued a separate order declaring that the proposed Second Amended Complaint (the "SAC") (ECF No. 64-2) "is deemed the operative complaint in this matter." (ECF No. 95.)

Neither OWH nor Traveller's retained new counsel within thirty days of the Court's July 16 order. In light of this failure to comply with the order, we respectfully request that the Court grant plaintiffs leave to move for entry of a default judgment against OWH and Traveller's.

Similarly, Dingman has not retained counsel and has failed to litigate the case *pro se*. He has failed to answer the SAC and has failed to respond to document requests served on July 19, 2018. In light of Dingman's failure to answer the SAC, respond to discovery or participate in any way in this proceeding, plaintiffs respectfully request leave to move for entry of a default judgment against Dingman in addition to OWH and Travellers.

Respectfully yours,

/s/Clark A. Freeman

Clark A. Freeman

cc: Defendant James T. Dingman (Via Email)